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URGENT PROBLEMS OF DIFFERENTIATION OF THE UKRAINE'S LEGISLATING CLOSES CLOSE TO THE SENSE, REGULATING SOCIAL PROTECTION OF POLICEMAN

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Annotation. Based on a detailed analysis of the legislation of Ukraine governing the social protection of police officers, the author clarified the reasons for paying lump-sum allowances to police officers or their families, as well as differentiated the concepts of «serving in the police» and «performing official duties related to the fulfillment of the powers and main tasks of the police».

Keywords: National Police of Ukraine, social protection, policeman, lump-sum allowance, disability, injuries, police service, performance of official duties.

Regarding the differences in the assignment of a lump-sum allowance in accordance with clauses 3 and 4 of p. 1 of art. 97 of the Law of Ukraine «On the National Police», it should be noted that the first (differences) primarily consist in the grounds for assigning such assistance. So, p. 3 of p. 1 of the said law provides that a lump sum is granted when a disability is received in the performance of official duties related to the fulfillment of the powers and main tasks of the police, or participation in an anti-terrorist operation, in the implementation of measures to ensure national security and defense, and rebuff and deterring the armed aggression

of the Russian Federation in the Donetsk and Lugansk regions, being directly in the areas and during the implementation of these measures, protection is not dependence, sovereignty and territorial integrity of Ukraine [1]. While in p. 4 of this article it is stipulated that the appointment of a lump-sum allowance due to illness is possible if the latter is related to serving in the internal affairs bodies or the police.

These grounds are also delimited in clause 4 of the Procedure and conditions for the payment of one-time cash assistance in the event of death (death) or loss of working capacity of a policeman approved by order of the Ministry of Internal Affairs of Ukraine dated September 21, 2017 № 788, in particular cases in which a lump-sum allowance is assigned due to death (death), disability or disability of a policeman:

- during the performance of official duties – a case related to the exercise of powers and the main tasks of the police or the police, or participation in an anti-terrorist operation, protecting the independence, sovereignty and territorial integrity of Ukraine (p. 3) [2];

- related to the performance of service in the police, internal affairs bodies – a circumstance arising as a result of illness, injury (contusion, trauma or injury) associated with his service in the internal affairs or police bodies, except as specified in subparagraphs 1, 2 of this paragraph (p. 4) [2].

It should be noted that in the above provisions the words «case» and «circumstance» should be interpreted as synonyms. The procedure for the appointment and payment of one-time cash assistance on the basis of clauses 3 and 4 of p. 1 of art. 97 of the Law of Ukraine «On the National Police» is the same. It is provided for in Sections III and IV of the Procedure and conditions for the payment of one-time cash assistance in case of death (death) or loss of working capacity of a policeman approved by order of the Ministry of Internal Affairs of Ukraine dated September 21, 2017 № 788.

The above circumstances are relevant for determining the amount of one-time cash assistance. According to the norms of art. 99 of the Law of Ukraine «On the National Police», the lump-sum allowances for police officers are determined on the

basis of the subsistence level established for able-bodied people as of January 1 of the calendar year in which the decision on payment was made.

Thus, in p. 3, in contrast to p. 4 of p. 1 of art. 97 of the Law of Ukraine «On the National Police», special conditions for the acquisition of disability are provided, the presence or absence of which determines the amount of the lump sum cash assistance.

Injury while serving in the police and during the performance of official duties related to the fulfillment of the powers and main tasks of the police are distinguished by the period of receipt of such injuries, which is limited to: a) police service; b) the performance by the police of official duties related to the fulfillment of the powers and main tasks of the police. The boundaries of both periods are not defined in the legislation; instead, they are mediocre indicated by the norms of the Law of Ukraine «On the National Police».

The police service, in contrast to the police fulfilling official duties related to the exercise of the powers and main tasks of the police, is characterized by a longer period, which begins from the moment the oath of the police officer is taken and ends at the time of his dismissal from the service, or rather the issuance of the corresponding order of dismissal . Indirectly, this is indicated in art. 77 of the said law, so the policeman is exempted from the police service, and the police service is terminated due to: expiration of the contract; official inconsistency; illness (according to the decision of the medical commission on unsuitability for service in the police); reaching the age limit for police service; staff reduction or reorganization measures; implementation of a disciplinary sanction in the form of dismissal from a service imposed in accordance with the Disciplinary Statute of the National Police of Ukraine; own desire; the transition in the prescribed manner to work in other ministries and departments (organizations); direct submission to a loved one; the entry into force of a court decision on prosecution for an administrative offense related to corruption or a crime; acquisition of citizenship or citizenship of another state. The day of dismissal from service in the police shall be considered the day of the issuance of the dismissal order or the date specified in the dismissal order [1].

Fulfillment by the police of official duties related to the fulfillment of the powers and basic tasks of the police provides for a more specific definition of the time limits: 1) fulfillment by the police of official duties related to the fulfillment of the powers of the police; 2) the implementation of the basic tasks of the police.

The duties of a policeman are enshrined in art. 18 of the Law of Ukraine «On the National Police». The main tasks of the police are regulated by art. 2 of the Law of Ukraine «On the National Police». The tasks of the police are to provide police services in the areas of: 1) ensuring public safety and order; 2) protection of human rights and freedoms, as well as the interests of society and the state; 3) counteraction to crime; 4) the provision, within the limits defined by law, of assistance services to persons who, due to personal, economic, social reasons or as a result of emergency situations, need such assistance [1].

Obviously, the duties and tasks (articles 18 and 2 of the Law of Ukraine «On the National Police», the police officer is obligated, respectively), the police officer performs during office hours. According to art. 91 of the Law of Ukraine «On the National Police», the special nature of police service contains such special conditions for certain categories of police officers: 1) service on holidays and weekends; 2) shift service; 3) service with an uneven schedule; 4) night service [1]. The distribution of police time is carried out in accordance with the daily routine, which is approved by the head of the relevant police unit. For police officers, a five-day work week with two days off is set, and for cadets (students) of higher educational institutions with specific training conditions that train police officers, a six-day work week with one day off. Weekends and non-working days are days of rest for all police officers, except for those involved in the performance of official duties.

Thus, getting injured by a police officer while serving in the police and performing official duties related to the fulfillment of the powers and main tasks of the police is different in that: in the first case, it is a long period of time – the entire period of service, regardless of the particular day – working or non-working (day off, holiday, vacation); in the second case, it refers to the policeman's working time in

accordance with the established daily routine, within which he performs the basic tasks of the police and official duties.

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